

Remarks

Claims 1-2, 8-9, 14-15, and 21-22 were pending when last examined. Claims 10-13 and 23-26 were canceled in the last office action. After entry of this paper, Claims 1-2, 8-9, 14-15, and 21-22 are pending.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-2, 8-9, 14-15, and 21-22 are rejected in this Office Action under 35 U.S.C. § 103(a) as being unpatentable over *Jaiswal* et al. ("A distributed Event Logging System") in view of *Tierney* et al. ("The NetLogger Methodology for High Performance Distributed Systems Performance Analysis" cited on form PTO-892 dated 2/6/08) and U.S. Patent Publication No. 2003/0187847 to Lubbers et al. (*Lubbers*).

Applicant respectfully traverses the rejection. However, Claims 1 and 14 are amended to recite: "the indices in memory and the portion of the indices stored onto the storage medium are merged subsequently into a single indexing file, and wherein the indices of the record of execution are sorted by a specific key value".

The amendment is supported by the original Specification, thus no new matter is introduced:

To merge the indices in memory with the indices on hard disk, the memory indices are sorted by key values if needed, and the disk indices are read into memory sequentially by key values. The indices records are then merged in order of key values and written back onto disk. In some embodiment, a record may be assigned a lifetime beyond which the record is deemed expired. Expired records are simply skipped at the time of merge (see Page 5, Lines 4-9).

Neither *Jaiswal* nor *Tierney* discloses or teaches "the indices in memory and the portion of the indices stored onto the storage medium are merged subsequently into a single indexing file, and wherein the indices of the record of execution are sorted by a specific key value", as recited

in Applicant's Claims 1 and 14. Thus, Claims 1 and 14 are patentable over *Jaiswal* and *Tierney*.

Lubbers does not teach merging data in the same way as disclosed in Applicant's Claim 1 or 14. *Lubbers* discloses:

[0012] ... during a merge process wherein data in the data log may be merged into corresponding data on a destination storage system connected to the source data storage system by at least one communication link. The method comprising the steps of maintaining a ratio of merge writes out of the data log to writes from a host computer into the data log within a desired range until the data log reaches a predetermined size, and quiescing writes from a host computer into the data log until the data log is fully written to the destination storage system.
(emphasis added)

Lubbers does not disclose, teach, or suggest "each search engine generates indices of the records of execution in memory, and a portion of the indices are stored onto a storage medium after a specific time period; and the indices in memory and the portion of the indices stored onto the storage medium are merged subsequently into a single indexing file, and wherein the indices of the record of execution are sorted by a specific key value", as recited in Claim 1 or 14. Thus, *Lubbers* does not cure the deficiency of *Jaiswal* and *Tierney*.

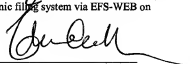
Accordingly, Claims 1 and 14 are patentable over the combined teachings of *Jaiswal*, *Tierney* and *Lubbers*.

Claims 2, 8-9 depend from Claim 1, Claims 15, 21-22 depend from Claim 14. The dependent claims are each allowable over the combined teachings of *Jaiswal*, *Tierney* and *Lubbers* for at least the same reason as Claims 1 and Claim 14.

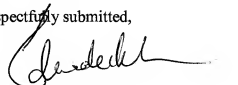
Conclusion

Therefore, Applicant requests reconsideration and allowance for Claims 1-2, 8-9, 14-15, and 21-22.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 08-1394 for any matter in connection with this response, including any fee for extension of time and/or fee for additional claims, which may be required. Any questions regarding this case can be addressed to the undersigned at the telephone number below.

<p>CERTIFICATE OF TRANSMISSION:</p> <p>I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office (USPTO) via the USPTO's electronic filing system via EFS-WEB on <u>March 25, 2010</u>.</p> <p>By:  _____</p> <p>Edward C. Kwok</p>
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Respectfully submitted,



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